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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/613,527  | 07/03/2003  | Mark Schmidt         | 108-194USANE0        | 4550             |
| 7590  | 11/02/2004  |                      | EXAMINER             |                  |
| Thomas J. Perkowski, Esq., P.C.<br>Soundview Plaza<br>1266 East Main Street<br>Stamford, CT 06902 |             |                      | TAYLOR, APRIL ALICIA |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      |                      | 2876             |

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                             |  |
|------------------------------|------------------------|-----------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>         |  |
|                              | 10/613,527             | SCHMIDT ET AL.<br><i>AN</i> |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>             |  |
|                              | April A. Taylor        | 2876                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 93-96 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 93-96 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/1/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. Receipt is acknowledged of the Preliminary Amendment filed 03 July 2004.

Claims 1-92 have been canceled and claims 93-96 have been added.

***Information Disclosure Statement***

2. The information disclosure statement filed 02 August 2004 has not been considered since it is a duplicate of the information disclosure statement filed on 01 March 2004.

3. This application is in condition for allowance except for the following formal matters:

***Specification***

4. The abstract of the disclosure is objected to because it contains legal phraseology such as "comprising" (see line 1). Correction is required. See MPEP § 608.01(b).

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

6. Claims 93-96 are objected to because of the following informalities:

Re claim 93: Substitute "(5)" with -- (3) -- (see page 4, line 22).

Re claim 93: Substitute "(6)" with -- (4) -- (see page 4, line 25).

Re claim 93: Substitute "(7)" with -- (5) -- (see page 4, line 29).

Re claims 94-96: Delete "wireless" (see line 1).

Re claim 95: Substitute "objection" with -- object-- (see line 2).

Re claim 96: Substitute "objection" with -- object-- (see line 2).

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

7. Claims 93-96 are allowable over the prior art.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims, an automatically activated laser scanning 2D barcode symbol reading system comprising a hand supportable 2D barcode symbol reader including a hand supportable housing; an automatically activated laser scanning 2D barcode symbol reading mechanism for automatically (a) producing a visible linear laser scanning pattern, (b) capturing lines of scan data from the scanned 2D barcode symbol structure, (c) decode processing the scan data, and (d) generating a symbol character data string representative of the read 2D barcode symbol; wherein the laser scanning 2D barcode symbol reading mechanism includes a

barcode symbol data detector, an audible data capture buffering indicator, and a decode processor; a data transmission circuit; a manual operated data transmission activation switch; and a device controller.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kahn et al (5,600,121) discloses an optical reader with independent triggering and graphical user interface; Knowles et al (US 5,343,027) discloses a multi-port digital signal decoder; and Meksavan et al (US 6,547,146) discloses a system for processing barcode data.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or

exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*[Signature]*  
AAT  
28 October 2004



KARL D. FRECH  
PRIMARY EXAMINER